



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

62 Jones

DEC 19 2001

REPLY TO THE ATTENTION OF

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

**SR-6J**

EPA Region 5 Records Ctr.



366798

Re: Request for Information Pursuant to Section 104e of CERCLA  
for Ilada Waste Company, St. Clair County, Dupo, Illinois

Dear Sir or Madam:

The U.S. Environmental Protection Agency (U.S. EPA or Agency) is investigating the Ilada Waste Company Site (the Site) in St. Clair County, East Carondolet, Illinois. This Site is located at Rt. 1, Box 159, East Carondolet, Illinois, 62240. The U.S. EPA believes that you may have information that is relevant to the investigation of contamination at the Site. Enclosure 1 is a summary of the history of this Site and the results of U.S. EPA's investigation.

The U.S. EPA asks that you provide information and documents relating to the contamination of the Site. Please respond completely and truthfully to this Information Request and its questions in Enclosure 2 within thirty days of your receipt of this letter. Instructions for completion of this response are in Enclosure 3; definitions of terms used in this Information Request and its questions are in Enclosure 4.

You may consider some information that we request as confidential. If you wish to assert a privilege of business confidentiality, you must respond to the question and advise U.S. EPA that you request that the Agency treat the response as confidential business information. Directions to assert a claim of business confidentiality are in Enclosure 5.

The Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. §9601, et seq., commonly referred to as CERCLA (or Superfund) gives the U.S. EPA the authority to:

1) assess contaminated sites, 2) determine the threats to human health and the environment posed by a site, and 3) clean up those sites.

Under Section 104(e)(2) of CERCLA, U.S. EPA has authority to gather information and to require persons to furnish information or documents relating to:

- A. The identification, nature, and quantity of materials which have been or are generated, treated, stored or disposed of at a vessel or facility or transported to a vessel or facility;
- B. The nature or extent of a release or threatened release of a hazardous substance or pollutant or contaminant at/or from a vessel or facility;
- C. The ability to pay the costs of the clean up.

Enclosure six is a summary of this legal authority. Compliance with this Information Request is mandatory. Failure to respond fully and truthfully to each question within this Information Request and within the prescribed time frame can result in an enforcement action by U.S. EPA pursuant to Section 104(e)(5) of CERCLA, as amended. Failure to respond and/or failure to justify the non-response can result in similar penalties under this Section. Further, Section 104(e)(5) authorizes the United States to seek penalties from a Federal Court of up to twenty-seven thousand five hundred dollars (\$27,500) for each day of continued noncompliance. The U.S. EPA considers noncompliance to be not only failure to respond to the Information Request, but also failure to respond completely and truthfully to each question in the Information Request.

The provision of false, fictitious or fraudulent statements or misrepresentations may subject you or your firm to criminal penalties of up to twenty seven thousand five hundred dollars (\$27,500) or up to five (5) years imprisonment, or both, under 18 U.S.C.§1001.

The U.S. EPA has the authority to use the information requested in an administrative, civil, or criminal action.

This information request is not subject to the approval requirements of the Paperwork Reduction Act of 1995, 44 U.S.C.§3501 *et seq.*

Return your response to U.S. EPA within thirty days of your receipt of this Information Request. Mail your response to:

G. Marie Watts  
Enforcement Specialist  
U.S. Environmental Protection Agency  
Remedial Enforcement Support Section  
77 W. Jackson SR-6J  
Chicago, IL 60604

If you have questions about a legal matter, please call  
Ms. Nola Hicks, Assistant Regional Council at (312) 312-886-7949.  
Address technical questions to the Remedial Project Manager,  
Ron Murawski, at (312) 886-2940. Address all other questions to  
G. Marie Watts, Enforcement Specialist at (312) 886-7591.

We appreciate your effort to respond fully and promptly to this  
information request.

Sincerely,

A handwritten signature in black ink, appearing to read "Wendy L. Carney", with a long, sweeping horizontal stroke extending to the right.

Wendy L. Carney, Chief  
Remedial Response Branch #1

Enclosures:

1. Site History
2. Questions
3. Instructions
4. Definitions
5. Confidential Business Information
6. Description of Legal Authority
7. Small Business Enclosure

**SECOND 2 ND MAILING**

**104E MAILING LIST ILADA WASTE**

**ILADA 104e Letters Second Mailing**  
**Generators**

Exxon  
501 Joliet Street  
Dyer, IN 46311-1716

Exxon Co. USA  
6311 East Westfield Blvd.  
Indianapolis, IN 46220-1798

Exxon Tiger Mart  
8845 E. State Road 46  
Sunman, IN 47041-9351

J'S Oil Company, Inc.  
Ms. Janet A. Rosekrans  
Registered Agent  
5827 Honey Drive  
Harrison, MI 48625

J'S Oil Company, Inc  
P.O. Box 781  
Greenfield, IN 46140

J'S Oil Company, Inc  
12 State Street  
Cedar Falls, IA 50613

K Mart Corporation  
7434 Rogers Ave.  
Fort Smith, Arkansas 72903

bcc: G. Marie Watts, SR-6J  
Nola Hicks, C-14J  
Ron Murawski, SR-6J  
E. Jones, SR-6J

## Enclosure 1

### SITE HISTORY ELEMENTS

1. Ilada Waste Company is located in a rural area in southwestern St. Clair County, approximately one mile southwest of Dupon, Illinois on Elm Station Road. The site consists of a three acre parcel of land situated on a wooded hillside.
2. The area surrounding the site is characterized by two distinct geologic settings. The western half lies in the Mississippi River flood plain. The flood plain consists of about 100 to 200 feet of alluvial deposits. These overlook bedrock of the Lower Mississippian System, composed predominantly of limestone with interbedded layers of shale. To the east of the site the land rises to form a ridge with elevations of 100 to 200 feet above the flood plain. It is highly weathered and exhibits distinct karst characteristics. Between 30 and 70 feet of clayey loess are deposits over bedrock of the Middle and Upper Mississippian Systems. This bedrock consists predominantly of limestone with interbedded layers of shale and sandstone.
3. Population in the area is predominantly rural and agricultural. Private groundwater wells are used to supply drinking water to rural residents near the Site. Most area residents are served by municipal drinking water supplies obtained from the Mississippi River.
4. Crude oil has been produced on-site since 1939. During oil production, a mixture of crude oil and brine was pumped from two on-site wells into one of a number of gunbarrel tanks. The oil and brine were separated in the gunbarrel tanks. The oil was sold locally as fuel oil; the brine was stored in one of five brine lagoons or in several storage tanks. Waste brine was disposed of into a 3,000 foot deep injection well. Waste oil was accepted on-site from approximately 1979 to 1982. Waste oil was stored on-site in above ground storage tanks. Some unprocessed waste oil was sold locally for use in road dust control; the remainder was either disposed of in the brine injection well or processed on-site, blended with crude oil and sold for fuel. The waste oil was processed in an on-site still by heating to separate water and sludge from the oil. The separated water was disposed of in the injection well; the sludge was either disposed of in the injection wells or sold for road dust control.

The potential for groundwater contamination due to past activities at this site appears to be high. Polychlorinated bi-phenyl (PCB) contamination has been observed in water from pits and soils on the site. Soils in this area have relatively low permeabilities, but their thickness is not great. The weathered condition of the soils and bedrock increases the potential for groundwater contamination.

5. The Preliminary Assessment/Site Inspection phase of the project is essentially complete. In the 1980s and 1990s, the U.S. EPA and Illinois EPA issued reports relating to the preliminary assessment and inspection of the Site.
6. This Information Request is being sent so that U.S. EPA may identify potentially responsible parties (i.e., current or former owners, operators, generators, and/or transporters) associated with the Site that may perform the Remedial Investigation/Feasibility Study portion of the project.



ENCLOSURE 2

**INFORMATION REQUEST**

1. Identify all persons consulted in the preparation of the answers to these Information Requests.
2. Identify all documents consulted, examined, or referred to in the preparation of the answers to these Requests, and provide copies of all such documents.
3. If you have reason to believe that there may be persons able to provide a more detailed or complete response to any Information Requests or who may be able to provide additional responsive documents, identify such persons.
4. List the EPA Identification Numbers of the Respondent.
5. Identify the acts or omissions of any person, other than your employees, contractors, or agents, that may have caused the release or threat of release of hazardous substances, pollutants, or contaminants, (e.g., solid, liquid) and damages resulting therefrom.
6. Identify all persons having knowledge or information about the generation, transportation, treatment, disposal or other handling of material at the Site.
7. Identify all persons, including yourself, who may have arranged for disposal or treatment, or arranged for transportation for disposal or treatment, of waste materials, including hazardous substances, at the Site. In addition, identify the following:
  - a) The persons with whom you or such persons made such arrangements;
  - b) Every date on which such arrangements took place;
  - c) For each transaction, the nature or the waste material or hazardous substance, including the chemical content, characteristics, physical state (e.g., solid, liquid), and the process for which the substance was used or the process which generated the substance;
  - d) The owner of the waste materials or hazardous substances so accepted or transported;
  - e) The quantity of the waste materials or hazardous substances involved (weight or volume) in each

transaction and the total quantity for all transactions;

- f) All tests, analyses, and analytical results concerning the waste materials;
- g) The person(s) who selected the Site as the place to which the waste materials or hazardous substances were to be transported;
- h) The amount paid in connection with each transaction, the method of payment, and the identity of the person from whom payment was received;
- i) Where the person identified in g., above, intended to have such hazardous substances or waste materials transported and all evidence of this intent;
- j) Whether the waste materials or hazardous substances involved in each transaction were transshipped through, or were stored or held at, any intermediate site prior to final treatment or disposal;
- k) What was actually done to the waste materials or hazardous substances once they were brought to the Site;
- l) The final disposition of each of the waste materials or hazardous substances involved in such transactions;
- m) The measures taken by you to determine the actual methods, means, and site of treatment or disposal of the waste material and hazardous substance involved in each transaction;
- n) The type and number of containers in which the waste materials or hazardous substances were contained when they were accepted for transport, and subsequently until they were accepted for transport, and subsequently until they were deposited at the Site, and all markings on such containers;
- o) The price paid for (i) transport, (ii) disposal, or (iii) both of each waste material and hazardous substance;
- p) All documents containing information responsive to a-c above, or in lieu of identification of all relevant documents, provide copies of all such documents; and

- q) All persons with knowledge, information, or documents responsive to a-p above.
8. Identify all liability insurance policies held by Respondent from [1939] to the present. In identifying such policies, state the name and address of each insurer and of the insured, the amount of coverage under each policy, the commencement and expiration dates for each policy whether or not the policy contains a "pollution exclusion" clause, and whether the policy covers or excludes sudden, nonsudden, or both types of accidents. In lieu of providing this information, you may submit complete copies of all relevant insurance policies.
  9. Provide copies of all income tax returns sent to the Federal Internal Revenue Service in the last three years.
  10. If Respondent is a Corporation, respond to the following requests:
    - a) Provide a copy of the Articles of Incorporation and By-Laws of the Respondent.
    - b) Provide Respondent's financial statements for the past five fiscal years, including, but not limited to those filed with the Internal Revenue Service and Securities and Exchange Commission.
    - c) Identify all of the Respondent's current assets and liabilities and the person who currently owns or is responsible for such assets and liabilities.
    - d) Identify the Parent Corporation and all Subsidiaries of the Respondent.
  11. If Respondent is a Partnership, provide copies of the Partnership Agreement.
  12. If Respondent is a Trust, provide all relevant agreements and documents to support this claim.

Enclosure 3

**INSTRUCTIONS**

1. Answer each of the questions in this Information Request separately.
2. Precede each answer with the number of the question to which it corresponds.
3. In answering each question, identify all persons and contributing sources of information.
4. Although the U.S. EPA seeks your cooperation in this investigation, CERCLA requires that you respond fully and truthfully to this Information Request. False, fictitious, or fraudulent statements or misrepresentations may subject you to civil or criminal penalties under federal law. Section 104 of CERCLA, 42 U.S.C. § 9604, authorizes the U.S. EPA to pursue penalties for failure to comply with that Section, or for failure to respond adequately to requests for submissions of required information.
5. In answering each question, identify all persons and contributing sources of information.
6. You must supplement your response to U.S. EPA if, after submission of your response, additional information should later become known or available. Should you find at any time after the submission of your response that any portion of the submitted information is false or misrepresents the truth, you must notify U.S. EPA as soon as possible.
7. For any document submitted in response to a question, indicate the number of the question to which it responds.
8. You must respond to each question based upon all information and documents in your possession or control, or in the possession or control of your current or former employees, agents, contractors, or attorneys. Information must be furnished regardless of whether or not it is based on your personal knowledge, and regardless of source.
9. Your response must be accompanied by the following statement, or one that is substantially equivalent:

I certify under a penalty of law that this document and all Enclosures were prepared under my direction or supervision in accordance with a system designed to assure that

qualified personnel properly gathered and evaluated the information submitted.

Based upon my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

The individual who prepared the response or the responsible corporate official acting on behalf of the corporation must sign and date the statement, affidavit, or certification. Include the corporate official's full title.

10. If any of the requested documents have been transferred to others or have otherwise been disposed of, identify each document, the person to whom it was transferred, describe the circumstances surrounding the transfer or disposition, and state the date of the transfer or disposition.
11. All requested information must be provided notwithstanding its possible characterization as confidential information or trade secrets. If desired, you may assert a business confidentiality claim by means of the procedures described in Enclosure 5.

Enclosure 4

**DEFINITIONS**

1. As used in this letter, words in the singular also include the neutral and words in the masculine gender also include the feminine and vice versa.
2. The term *person* as used herein includes, in the plural as well as the singular, any natural person, firm, contractor, unincorporated association, partnership, corporation, trust or governmental entity, unless the context indicates otherwise.
3. The *Site* referenced in these documents shall mean the Ilada Waste located in Illinois Dupo.
4. The term *hazardous substance* shall have the same definition as that contained in Section 101(14) of CERCLA, including any mixtures of such hazardous substances with any other substances, including petroleum products.
5. The term, *pollutant* or *contaminant*, shall have the same definition as that contained in Section 101(33) of CERCLA, and includes any mixtures of such pollutants and contaminants with any other substances.
6. The term *release* shall have the same definition as that contained in Section 101(22) of CERCLA, and means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, including the abandonment or discarding of barrels, containers, and other closed receptacles containing any hazardous substance, pollutant, or contaminant.
7. The term *identify* means, with respect to a natural person, to set forth the person's full name, present or last known business address and business telephone number, present or last known home address and home telephone number, and present or last known job title, position or business.
8. The term *identify* means, with respect to a corporation, partnership, businesses trust or other association or business entity (including a sole proprietorship), to set forth its full name, address, legal form (e.g., corporation, partnership, etc.), organization, if any, and a brief description of its business.

9. The term *identify* means, with respect to a document, to provide its customary business description, its date, its number, if any (invoice or purchase order number), the identity of the author, addressor, addressee and/or recipient, and the substance or the subject matter.
10. All terms not defined herein will have their ordinary meaning, unless such terms are defined in CERCLA, RCRA, 40 C.F.R., Part 300 or 40 C.F.R., Part 260-280, in which case, the statutory or regulatory definitions will apply.

Enclosure 5

**CONFIDENTIAL BUSINESS INFORMATION**

You may consider some of the information confidential that the U.S. Environmental Protection Agency (U.S. EPA or Agency) is requesting. You cannot withhold information or records upon that basis. The Regulations at 40 C.F.R. Part 2, Section 200 *et seq* require that the U.S. EPA affords you the opportunity to substantiate your claim of confidentiality before the Agency makes a final determination on the confidentiality of the information.

You may assert a business confidentiality claim covering part or all of the information requested, in the manner described by 40 C.F.R. 2.203(b). Information covered by such a claim will be disclosed by the U.S. EPA only to the extent and only by means of the procedures set forth in 40 C.F.R. Part 2, Subpart B. (See 41 Federal Register 36902 *et seq.* (September 1, 1976); 43 Federal Register 4000 *et seq.* (December 18, 1985).) If no such claim accompanies the information when the U.S. EPA receives it, the information may be made available to the public by the Agency without further notice to you. Please read carefully these cited regulations, together with the standards set forth in Section 104(e)(7) of Comprehensive Environmental Response Compensation Liability Act (CERCA), because, as stated in Section 104(e)(7)(ii), certain categories of information are not properly the subject of a claim of confidential business information.

If you wish the U.S. EPA to treat the information or record as "confidential", you must advise the U.S. EPA of that fact by following the procedures described below, including the requirement for supporting your claim of confidentiality. To assert a claim of confidentiality, you must specify which portions of the information or documents you consider confidential. Please identify the information or document that you consider confidential by page, paragraph, and sentence. You must make a separate assertion of confidentiality for each response and each document that you consider confidential. Submit the portion of the response that you consider confidential in a separate, sealed envelope. Mark the envelope "confidential," and identify the number of the question to which it is the response.

For each assertion of confidentiality, identify:

1. The period of time for which you request that the Agency consider the information confidential, e.g., until a specific date or until the occurrence of a specific event;



2. The measures that you have taken to guard against disclosure of the information to others;
3. The extent to which the information has already been disclosed to others and the precautions that you have taken to ensure that no further disclosure occurs;
4. Whether the U.S. EPA or other federal agency has made pertinent determination on the confidentiality of the information or document. If an agency has made such a determination, enclose a copy of that determination;
5. Whether disclosure of the information or document would be likely to result in substantial harmful effects to your competitive position. If you believe such harm would result from any disclosure, explain the nature of the harmful effects, why the harm should be viewed as substantial, and the causal relationship between disclosure and the harmful effect. Include a description of how a competitor would use the information;
6. Whether you assert that the information is voluntarily submitted as defined by 40 C.F.R. 2.201(I). If you make this assertion, explain how the disclosure would tend to lessen the ability of the U.S. EPA to obtain similar information in the future;
7. Any other information that you deem relevant to a determination of confidentiality.

Please note that pursuant to 40 C.F.R. 2.208(e), the burden of substantiating confidentiality rests with you. The U.S. EPA will give little or no weight to conclusory allegations. If you believe that facts and documents necessary to substantiate confidentiality are themselves confidential, please identify them as such so that the U.S. EPA may maintain their confidentiality pursuant to 40 C.F.R. 2.205(c). If you do not identify this information and documents as "confidential," your comments will be available to the public without further notice to you.

## ENCLOSURE 6

### DESCRIPTION OF LEGAL AUTHORITY

The Federal Superfund law (the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. Section 9601, et seq. (commonly referred to as CERCLA or Superfund) gives U.S. EPA the authority to, among other things: 1) assess contaminated sites, 2) determine the threats to human health and the environment posed by each site, and, 3) clean up those sites.

Under Section 104(e)(2) of CERCLA, 42 U.S.C. §9604 (e)(2), U.S. EPA has broad information gathering authority which allows U.S. EPA to require persons to furnish information or documents relating to:

- A. The identification, nature, and quantity of materials which have been or are generated, treated, stored, or disposed of at a vessel or facility, or transported to a vessel or facility;
- B. The nature or extent of a release or threatened release of a hazardous substance or pollutant or contaminant at/or from a vessel or facility;
- C. The ability to pay the costs of the clean up.

Compliance with this Information Request is mandatory. Failure to respond fully and truthfully to each question within this Information Request and within the prescribed time frame can result in an enforcement action by U.S. EPA pursuant to Section 104(e)(5) of CERCLA. This Section also authorizes an enforcement action with similar penalties if the recipient of the Request does not respond and does not justify the failure to respond. Other statutory provisions (18 U.S.C. §1001) authorize separate penalties if the responses contain false, fictitious or fraudulent statements. The U.S. EPA has the authority to use the information requested in this Information Request in an administrative, civil or criminal action.



## Office of Enforcement and Compliance Assurance INFORMATION SHEET

### U.S. EPA Small Business Resources

If you own a small business, the United States Environmental Protection Agency (EPA) offers a variety of compliance assistance and tools to assist you in complying with federal and State environmental laws. These resources can help you understand your environmental obligations, improve compliance and find cost-effective ways to comply through the use of pollution prevention and other innovative technologies.

#### EPA Websites

EPA has several Internet sites that provide useful compliance assistance information and materials for small businesses. Many public libraries provide access to the Internet at minimal or no cost.

EPA's Small Business Home Page (<http://www.epa.gov/sbo>) is a good place to start because it links with many other related websites. Other useful websites include:

*Small Business  
Home Page*  
<http://www.epa.gov>

*Business Assistance Programs*  
<http://www.epa.gov/ttn/sbap>

*Office of Compliance Enforcement*  
<http://www.epa.gov/oece/oe>

*Office of Pollution Prevention and  
Toxic Substances*  
<http://www.epa.gov/oece/osre>

*Small Business  
Home Page*

EPA sponsors approximately 89 free hotlines and toll-free numbers that provide convenient assistance with environmental requirements.

EPA's Small Business Ombudsman Hotline can provide a list of all the hot lines and assist in determining the hotline best meeting your needs. Key hotlines include:

*EPA's Small Business Ombudsman*  
(800) 368-5888

*Hazardous Waste/Underground Tanks/  
Superfund*  
(800) 424-9346

*National Response Center  
(to report oil and hazardous substance spills)*  
(800) 424-8802

*Toxic Substances and Air Quality Information*  
(202) 554-1404

*Safe Drinking Water*  
(800) 426-4791

*Stratospheric Ozone and Toxics  
Information*  
(800) 296-1996

*Clean Air Technical Center*  
(919) 541-0800

*Water Pollution*  
(800) 832-7828

22017-101

### Compliance Assistance Centers

In partnership with industry, universities, and other federal and state agencies, EPA has established national Compliance Assistance Centers that provide Internet and "faxback" assistance services for several industries with many small businesses. The following Compliance Assistance Centers can be accessed by calling the phone numbers below and at their respective websites:

#### Automotive Finishing

1-800-AT-NMFRC or [www.nmfrc.org](http://www.nmfrc.org))

#### Painting

1-888-USPNEAC or [www.pneac.org](http://www.pneac.org))

#### Automotive Service and Repair

1-888-GRN-LINK or [www.ccar-greenlink.org](http://www.ccar-greenlink.org))

#### Agriculture

1-888-663-2155 or [www.epa.gov/oeca/ag](http://www.epa.gov/oeca/ag))

#### Printed Wiring Board Manufacturing

1-734-995-4911 or [www.pwbr.org](http://www.pwbr.org))

#### Chemical Industry

1-800-672-6048 or [www.chemalliance.org](http://www.chemalliance.org))

#### Transportation Industry

1-888-459-0656 or [www.transource.org](http://www.transource.org))

#### Paints and Coatings Center

1-800-286-6372 or [www.paintcenter.org](http://www.paintcenter.org))

### State Agencies

Many state agencies have established compliance assistance programs that provide on-site and other types of assistance. Contact your local state environmental agency for more information. For assistance in reaching state agencies, call EPA's Small Business Ombudsman at (800) 368-5888 or visit the Small Business Environmental Homepage at <http://www.smallbiz-enviroweb.org/State.html>.

### Enforcement

EPA provides incentives for environmental compliance. Businesses participating in compliance assistance programs, voluntarily disclosing and promptly correcting violations, businesses may be eligible for penalty reductions or reductions. EPA has two policies that potentially apply to small businesses: The Audit Policy (<http://www.epa.gov/oeca/auditpol.html>) and the Small Business Policy (<http://www.epa.gov/oeca/>

[smbusi.html](http://www.epa.gov/oeca/smbusi.html)). These do not apply if an enforcement action has already been initiated.

### Commenting on Federal Enforcement Actions and Compliance Activities

The Small Business Regulatory Enforcement Fairness Act (SBREFA) established an ombudsman ("SBREFA Ombudsman") and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. The SBREFA Ombudsman will annually rate each agency's responsiveness to small businesses. If you believe that you fall within the Small Business Administration's definition of a small business (based on your Standard Industrial Code (SIC) designation, number of employees or annual receipts, defined at 13 C.F.R. 121.201; in most cases, this means a business with 500 or fewer employees), and wish to comment on federal enforcement and compliance activities, call the SBREFA Ombudsman's toll-free number at 1-888-REG-FAIR (1-888-734-3247).

### Your Duty to Comply

If you receive compliance assistance or submit comments to the SBREFA Ombudsman or Regional Fairness Boards, you still have the duty to comply with the law, including providing timely responses to EPA information requests, administrative or civil complaints, other enforcement actions or communications. The assistance information and comment processes do not give you any new rights or defenses in any enforcement action. These processes also do not affect EPA's obligation to protect public health or the environment under any of the environmental statutes it enforces, including the right to take emergency remedial or emergency response actions when appropriate. Those decisions will be based on the facts in each situation. The SBREFA Ombudsman and Fairness Boards do not participate in resolving EPA's enforcement actions. Also, remember that to preserve your rights, you need to comply with all rules governing the enforcement process.

***EPA is disseminating this information to you without making a determination that your business or organization is a small business as defined by Section 222 of the Small Business Regulatory Enforcement Fairness Act (SBREFA) or related provisions.***